IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9196 OF 2005

Kamlabai S. Ghorpade ..Petitioner
versus
Shakuntala R. Ghorpade & Ors. ..Respondents

Mr. K. S. Patil for the Petitioner.
Mr. R. M. Railkar for the Respondent No.1.

CORAM : D. G. DESHPANDE, J.
DATE : 7TH FEBRUARY, 2007

P.C. :

1. Heard Advocate for the Petitioner and the Respondent No.1.

2. Petitioner filed a suit, written statement came to be filed by the respondent. It is the case of the petitioner that from the written statement, she learnt that the respondent - defendant was relying upon sale deed, which according to the petitioner was forged and fabricated and she has not put any thumb impression. Agreement for sale is dated 6.10.1987. The suit is filed in 2000. I do not want to say anything about the merits of the matter. However, the trial court was justified in

insisting upon the plaintiff to produce original documents. Since that was not done, application of the plaintiff for referring the documents to the finger print expert was rightly rejected. No merit in this petition. Petition is dismissed.

3. Petitioner may after getting hold of the original documents, file similar application. The same will be decided on its own merits. The petitioner will have to show that he has been diligent to apply for original sale deed from the Sub Registrar’s office and delay inordinate, if any, will have to be explained by him. Initially, Advocate for the Petitioner stated that when the written statement was filed, he came to know that document purported to have been signed by the plaintiff was being relied upon. But after this order was pronounced, Advocate for the respondents pointed out that in the plaint itself, the plaintiff has admitted that by exercising pressure or undue pressure or coercion upon the plaintiff, her signatures / thumb impressions were obtained on the blank papers. Advocate for the plaintiff states that this averment in paragraph 4 may not have direct reference to the Sale Deed.

(D.G. DESHPANDE, J.)